

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

SALVATORE M. BOMBARDIERE, SR.,)	
)	CASE NO.: 1:11-cv-00050 (BAILEY)
Plaintiff,)	
)	
v.)	
)	
Schlumberger Technology Corporation, a Texas corporation, Consol Energy, Inc., a Delaware corporation, CNX Gas Company, LLC, a Virginia corporation, CNX Gas Corporation, a Delaware corporation, and SOS Staffing Services, Inc., a Utah corporation,)	
)	
Defendants.)	
)	
)	

DEFENDANTS' MOTION IN LIMINE TO EXCLUDE THE REPORT AND TESTIMONY OF RICHARD LIPSEY, PH.D.

Defendants Schlumberger Technology Corporation (“STC”), Consol Energy, Inc., CNX Gas Company, LLC, and CNX Gas Corporation (“Defendants”), through undersigned counsel, move *in limine* to exclude the report and testimony of Plaintiff’s expert, Richard Lipsey, Ph.D., on the basis that his opinions are inadmissible pursuant to Rule 702 of the Federal Rules of Evidence and *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993). In support of its motion, Defendants aver as follows:

**SCHLUMBERGER WILL PROMPTLY FILE ON MONDAY, DECEMBER 17, 2012,
THE REQUISITE MOTION TO FILE UNDER SEAL SO AS TO BE ABLE TO FILE
THIS MOTION AND ITS SUPPORTING MEMORANDUM OF LAW.
SCHLUMBERGER HEREBY RESERVES ANY AND ALL RIGHTS TO FILE THE
SAME ON MONDAY, DECEMBER 17, 2012.**

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2012, a true and correct copy of the foregoing Defendant Schlumberger Technology Corporation's, Consol Energy, Inc., CNX Gas Company, LLC, and CNX Gas Corporation Motion *in Limine* to Exclude the Report and Testimony of Richard Lipsey, Ph.D., was served upon the parties via the Court's CM/ECF system as follows:

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